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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
AT SEATTLE

10 CORY ANTONE-SEM and CORY
11 ANTONE-SEM in her role as Proximus
12 Amicus for the minor children, E.S. and
13 G.S.,

14 Plaintiffs,

15 v.

16 STATE OF WASHINGTON
17 DEPARTMENT OF SOCIAL AND
18 HEALTH SERVICES; SUSAN
19 DREYFUS, individually and in her
20 official capacity; NANCY TIMMS,
21 LINDA SMITH, ASHLEY RIFFE,
22 ROBERT SWOGGER, STEPHANIE
23 FRAZIER, & JULIE YOUNG,
24 individually and in their official
25 capacities; MICHAEL KNUE and
26 DIANA KNUE, husband and wife, and
the marital community comprised
thereof,

Defendants.

NO.

NOTICE OF REMOVAL TO
FEDERAL COURT

UNDER 28 U.S.C. § 1441(b)
(FEDERAL QUESTION)

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendants, State of Washington Department of Social
and Health Services, Susan Dreyfus, Nancy Timms, Linda Smith, Ashley Riffe, Robert

1 Swogger, Stephanie Frazier, Michael Knue and Dianna Knue, hereby remove to this court the
2 state court action described below.

3 1. This case concerns and alleges violation of Plaintiffs' constitutional rights
4 under 42 U.S.C. § 1983, as well as related state law claims.

5 2. On April 27, 2011, a complaint was filed in the Superior Court of Washington
6 for King County, Case No. 11-2-15373-8 SEA, entitled CORY ANTONE-SEM and CORY
7 ANTONE-SEM as Proximus Amicus for the minor children, E.S. and G.S., Plaintiffs, vs.
8 STATE OF WASHINGTON DEPARTMENT OF SOCIAL AND HEALTH SERVICES;
9 SUSAN DREYFUS, individually and in her official capacity; NANCY TIMMS, LINDA
10 SMITH, ASHLEY RIFFE, ROBERT SWOGGER, STEPHANIE FRAZIER, & JULIE
11 YOUNG, individually and in their official capacities; MICHAEL KNUE and DIANA KNUE,
12 husband and wife, and the marital community comprised thereof, Defendants.

13 3. Defendant State of Washington Department of Social and Health Services
14 (DSHS) is an agency of the State of Washington. The Summons and Plaintiffs' Complaint in
15 the above-entitled matter were served upon the State of Washington, DSHS, on May 2, 2011.

16 4. Defendants Susan Dreyfus, Nancy Timms, Linda Smith, Ashley Riffe, Robert
17 Swogger, and Stephanie Frazier are or were employees of DSHS. Susan Dreyfus, Nancy
18 Timms, Linda Smith, Ashley Riffe, Robert Swogger, and Stephanie Frazier have not been
19 served with Plaintiffs' Complaint or the Summons in this matter. These Defendants reserve
20 the right to object to service once removal has been completed.

21 5. Defendants Michael and Dianna Knue were served with the Summons and
22 Plaintiffs' Complaint in the above-entitled matter on May 5, 2011.

23 6. Defendant Julie Young has not been served with the Summons and Plaintiffs'
24 Complaint and she has not appeared in this matter.
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1 7. All of the Defendants who have been served in this action join in this request
2 for removal.

3 8. This notice of removal is being filed within 30 days after receipt by Defendant
4 DSHS of a copy of the Complaint alleging an action under 42 U.S.C. § 1983 against
5 Defendants.

6 9. Under 28 U.S.C. § 1331 and § 1343, the United States District Courts “have
7 original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the
8 United States.”

9 10. Plaintiffs allege they were deprived of their Constitutional rights to due
10 process, association, free speech, security and privacy pursuant to 42 U.S.C. § 1983 by
11 Defendants.

12 11. This is a civil action of which this court has original jurisdiction under 28
13 U.S.C. § 1331 and § 1343, and is one which may be removed to this court by defendants
14 pursuant to 28 U.S.C. § 1441(b) in that it is a civil action founded on a claim or right arising
15 under federal law. The district court also has supplemental jurisdiction over any state claim
16 pursuant to 28 U.S.C. § 1367. An Eleventh Amendment bar as to supplemental claims does
17 not divest the federal court of jurisdiction over claims arising under federal law.
18 *Wisconsin Dep’t of Corrections v. Schacht*, 524 U.S. 381, 118 S. Ct. 2047, 141 L. Ed. 2d 364
19 (1998).

20 12. Venue in the Western District of Washington is appropriate because this is the
21 judicial district in which Defendants Michael and Dianna Knue reside and in which a
22 substantial part of the alleged events giving rise to the claim occurred.

23 13. Defendants reserve all rights and defenses, including but not limited to, lack of
24 personal service, lack of jurisdiction, and Eleventh Amendment immunity, and this notice is
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1 made without waiving Washington State's sovereign immunity or any other defenses it may
2 have in response to this lawsuit.

3 14. In compliance with 28 U.S.C. § 1446(a), the defendants have attached copies
4 of all process, pleadings and orders served upon Defendant Department of Social and Health
5 Services and Defendants Michael and Dianna Knue in this case. *See* Declaration of Suzanne
6 LiaBraaten Regarding Documents, and attachments thereto.

7 DATED this 31st day of May, 2011.

8 ROBERT M. MCKENNA
9 Attorney General

10
11 /s/ Suzanne LiaBraaten *SLB*
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22 Department of Social and Health Services, Susan
23 Dreyfus, Nancy Timms, Linda Smith, Ashley Riffe,
24 Robert Swogger, Stephanie Frazier, Michael Knue
25 and Dianna Knue
26

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of May, 2011, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system and that I served a copy of this document on all parties or their counsel of record as follows:

☒ Federal Express Overnight Service

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DATED this 31st day of May, 2011.

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